

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

David Mohley,

Case No. 3:15 CV 559

Plaintiff,

JUDGE JAMES G. CARR

v.

**DISMISSAL ORDER**

Warden Sherman, *et al.*,

Defendants.

*Pro se* plaintiff David Mohley filed this civil rights action pursuant to 42 U.S.C. § 1983, complaining of his medical care and the conditions of confinement at the North Central Correctional Complex.

He did not pay the required filing fee, or an application to proceed *in forma pauperis*. In an order dated June 22, 2015 that was sent to the plaintiff at the address he listed on his pleadings, the plaintiff was ordered to pay the filing fee (\$400), or submit an application to proceed *in forma pauperis* within 30 days. The order expressly notified the plaintiff that his case may be dismissed without further notice if he did not comply with the order.

To date, the plaintiff has not paid the filing fee or submitted an application to proceed *in forma pauperis*.

Accordingly, this action is dismissed without prejudice for want of prosecution. *See Erby v. Kula*, 113 Fed. App'x 74, 2004 WL 2320326 (6<sup>th</sup> Cir. 2004) (affirming dismissal of prisoner action for want of prosecution where prisoner failed to comply with court order requiring payment

of filing fee or documentation to apply to proceed *in forma pauperis*).

The Court certifies, pursuant to 28 U.S.C. §1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/ James G. Carr  
UNITED STATES DISTRICT JUDGE